

# Deliberate investments to protect Ugandan children

## POLICY BRIEF

By National Child Protection Working Group

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Brief 2

### Introduction

The 2014 National Population and Housing Census showed that 55 percent of the Ugandan population comprises children younger 18 years old.<sup>1</sup> This large proportion of children places significant demands on the national budget as the priorities of child development are many and quality human capital development cannot be achieved. Although the infant death rate has dramatically reduced in the past 5 years (from 53 to 43 deaths per 1000 live births), the birth rate remains high, with the Ugandan population increasing by approximately 1 million people every year. The very high population growth rate implies an increasing child population that requires education and health services. During the 2017 National Learning Event on Child Wellbeing, with the theme “*Applying legal and policy frameworks for improved child wellbeing*”, inadequate funding was named as a major constraint to the delivery of child interventions. It is against this background that the National Child Protection Working Group (NCPWG) is producing this particular brief that examines the key challenges facing financing for child wellbeing and how to address funding gaps. It is based on reviews of the Ministerial Policy Statements and annual reports of selected MDAs addressing child protection concerns in Uganda.

### Extent of budget allocation to child-related sectors

Table 1 shows the trends in budget shares for various sectors for the past three financial years (FY) and for the current FY of 2018/19. It indicates that the overall share allocated to sectors that directly address children issues, i.e., education, health, water, and social development, increased from 21.5 percent in 2015/16 to 26.2 percent in 2018/19. These proportions indicate that the share of spending on sectors targeting child-related interventions is less than half the share of children in the total population.

Table 1: Trends in sector shares of the budget, 2015/16-2018/19 (%)

Sector	Financial Year			
	2015/16	2016/17	2017/18	2018/19
Social Development	0.5	0.9	0.8	0.9
Agriculture	2.6	4.0	3.9	3.6
Education	11.1	12.0	11.2	11.1
Health	6.9	8.9	8.3	9.2
Water	3.0	3.4	2.7	5.0
Energy and mineral development	15.4	11.6	10.8	9.7
Other economic functionsb	1.8	2.5	1.9	2.8
Security/Defence	8.9	7.7	6.6	8.2
Roads and Works	18.2	18.7	21.0	19.1
Public sector management/administration	9.3	8.8	9.0	8.8
Justice/Law/Accountability/Legislature	13.3	11.4	11.5	11.6
Interest Payments Due	9.0	9.9	12.2	10.0
Total	100	100	100	100
Total budget (UGX, billions)	18,311	20,430	22,001	25,091

Sources: Background to the Budget (various years) Ministry of Finance Planning and Economic Development (MFPED) 2018/19, 2017/18 and 2016/17.

Local governments (LGs) also allocate relatively small shares of their budgets towards child protection. Using Kayunga LG as an example, Table 2 illustrates how LGs allocate funds for the various functions. It is indicated that departments that deal with child protection notably the community based services receive less than 5% of the annual budget. The bulk of funds at the LG level is earmarked for education and health services during 2015/16-2018/19, these two sectors account for at least 70 percent of the annual budgets for Kayunga.

### Funding for Child Protection

Most interventions targeting child protection are made through the Ministry of Gender Labour and Social Development (MGLSD) particularly the Youth and Child Affairs department. Budget allocations to the MGLSD have traditionally been low, accounting for less than 1 percent of the national budget in the past 10 years. For FY 2018/19,

Table 2: **Structure of the Kayunga Local Government Budget, 2016/17-2018/19 (%)**

	Financial Year			
	2015/16	2016/17	2017/18	2018/19
Administration	4.0	14.5	11.3	6.6
Finance	1.6	1.1	2.2	1.1
Statutory Bodies	5.1	1.9	2.3	1.8
Production and Marketing	2.4	1.6	1.4	1.9
Health	15.8	16.1	14.9	16.5
Education	57.6	53.8	55.7	58.9
Roads and Engineering	7.2	3.0	2.9	3.4
Water	2.4	2.6	2.2	2.0
Natural Resources	0.6	0.9	0.6	0.6
Community based services	2.3	3.8	3.9	3.8
Planning	0.7	0.4	2.4	3.2
Internal Audit	0.3	0.2	0.2	0.3
<b>Total Budget (UGX Billions)</b>	<b>25.3</b>	<b>29.3</b>	<b>30.4</b>	<b>28.7</b>

Sources: Kayunga LG BFPs for FY 2016/17, 2017/18 and 2018/19

the social development sector was allocated only UGX 214 billion approximately 0.8 percent of the national budget. With the exception of the few contract personnel at the ministry's child institutions, Table 2 shows that the Department of Youth and Child Affairs has limited capacity to address all the child protection issues across the country. The department grapples with human resource challenges in terms of a lack of personnel to manage issues regarding departmental budget allocation, administer child protection programmes and supervise the numerous alternative child care institutions. The Ministerial Policy Statement indicates that in FY 2017/18, department activities were implemented by a staff of 78 members handling both youth and child issues. Indeed, Table 3, which profiles the staffing norms within the departments/institutions targeting children, shows that only 36 percent of the approved posts were filled. These numbers are inadequate for the volume of work these departments are required to undertake.

Although Article 36 of the 1995 Constitution provides for the rights of minorities to participate in the judicial making process, and the 2016 Children Act (Amendment) provides for protection of the welfare of children in the judicial system, the specific needs of children with disabilities are not met. For example, a number of High Court premises cannot be easily accessed by children with disabilities. In

Table 3: **MGLSD: Staffing levels in the departments and institutions dealing with children**

	Staffing			Percentage filled
	Approved Posts	Filled Posts	Vacant Posts	
<i>Department of youth and child affairs</i>	48	30	18	63.0%
<b>Institution</b>				
Kabale Remand Home	19	0	19	0.0%
Fortportal Remand Home	19	6	13	31.6%
Naguru Remand Home	19	6	13	31.6%
Mbale Remand Home	19	4	15	21.1%
Lweza Vocational Rehabilitation Centre	17	6	11	35.3%
Kireka Vocational Rehabilitation Centre	19	7	12	36.8%
Naguru Reception Centre	25	5	20	20.0%
Kampiringisa National Reception Centre	30	14	16	46.7%
<b>Total</b>	<b>215</b>	<b>78</b>	<b>137</b>	<b>36.3%</b>

Source: MGLSD Ministerial Policy Statements 2016/17 and 2017/18

addition, partly due to inadequate funding, Court premises do not facilities such as Braille machines that can help CWDs follow court proceedings. Consequently, children with special needs especially blind and deaf children are severely constrained in accessing justice.

Related, in 2017/18, at least UGX 3.45 billion was allocated to special needs education for the monitoring of non-formal education centres and subvention to special needs schools. This allocation is relatively low given the number of school-aged children with disabilities. Furthermore, the number of trained special needs teachers is low, and special needs schools are located far away from the children who require them, notwithstanding the fact that some children face severe mobility challenges due to disabilities. Indeed, based on the 2016/17 UNHS, an estimated 48,000 children aged 6-17 years are currently out of school due to disability.<sup>2</sup> The relatively low spending on special needs education also raises issues of inclusivity. There is a need for the government to prioritize special needs training in primary teacher colleges and to expand UPE schools that can cater to children with special needs.

Beyond the MGLSD, other institutions, such as the Uganda Police Force (UPF), the Judiciary and the Office of Directorate of Public Prosecutions, are involved in child

protection. However, these complementary agencies are severely understaffed, which affects the extent to which they can support child protection interventions. For example, in 2015, the UPF had 529 Child and Family Protection Unit (CFPU) officers, which was 21 percent of the required number.<sup>3</sup> Consequently, the ability to respond to child-related offences remains challenging without a critical cadre of staff. Furthermore, the UPF does not have shelters to provide temporary protection for victims and witnesses of child sexual abuse.

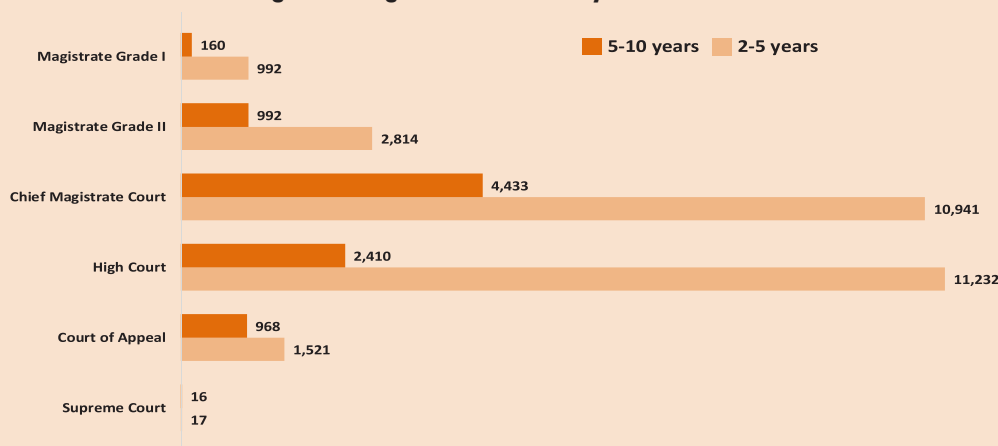
The judiciary is severely affected by a case backlog (i.e., cases that have been before the courts for 2 or more years). According to the 2017/18 JLOS annual report, the case backlog had 31,580 cases. Of these, the High Court accounted for 37.5 percent of the total backlog (Figure 1).<sup>4</sup> Given that the SGBV cases account for 62 percent of cases in the High Court, this implies that at least 23 percent of all backlogged cases especially those that have been in court for 2-5 years relate to defilement, rape or domestic violence. At the same time, although all defilement cases are only tried by the High Court, only 66 percent of the required 82 High Court judges are presently on the bench. Consequently, children who are victims of defilement are likely to continue experiencing delays in achieving justice.

Insufficient personnel also affects other critical agencies, such as the ODPP. The institution's strategic plan proposes to reduce the average time required to prosecute gender- and child-related cases to 30 days;<sup>5</sup> however, as of 2015/16, only 38 percent of the approved posts in the ODPP were filled, and each prosecutor was projected to have an annual caseload of approximately 975 cases. Such an overburdened prosecution service cannot provide the

necessary support to prosecute crimes affecting children. To illustrate this, if all 6,785 defilement cases in 2017 submitted by the UPF to ODPP were allocated to the current staff of 491, each prosecutor would acquire approximately 14 child-related cases per year in addition to other cases. Given the stated goal of concluding investigations within an average of 30 days, most prosecutors would never be able to complete an investigation within one year. Indeed, metrics indicate they would require 414 days (slightly more than 13 months) to only investigate the average number of allocated cases.

Beyond staffing, most of the child protection interventions implemented by various MDAs still rely heavily on donor grants, which raises overall sustainability issues as well as the urgency of national commitment of the need to protect children. For FY 2018/19, the ODPP requested UGX 1.62 billion to facilitate the handling of SGBV and child-related cases. Only 50 percent of these funds were allocated.<sup>6</sup> Furthermore, less than 3 percent of the requested funds for witness and victim protection was approved. Partly as a result of largely unfunded priorities, some of which affect children, interventions are being financed by third parties. For example, the ODPP established a children's room at its headquarters in August 2018 to address the needs of children who are witnesses or victims of crime and reduce the trauma of the judicial process; however, this was financed by the Children at Risk Action Network (CRANE). Overall, dependence on external financing does not create sustainable grounds for the mainstreaming of child protection interventions, as core government work and donor-funded activities are often viewed as projects that have a limited lifespan.

**Figure 1: Extent of the case back log in the Ugandan Judicial system**



Source: JLOS (2017): JLOS Annual Report 2016/17

### Policy Implications

The Ministry of Finance Planning and Economic Development should make concerted efforts to increase funding for child wellbeing in terms of social care and support alongside health and education. With respect to education, a first step in prioritizing education would be to emphasize school meals and school infrastructure in the education budget. The lack of school meals exposes girls attending schools to the risks of sexual violence.

**Establishing and financing institutions that address child protection at the local government level:** Uganda has reformed some of the regulations that safeguard child rights; however, a number of regulations have yet to be operationalized. For instance, The Children Act (Amended) 2016 calls for the establishment of a National Children's Authority to advise government on the formulation of a national child policy and child rights programmes. This authority is expected to take on part of the functions performed by the National Council for Children. Furthermore,

the Child Act calls for the establishment of remand homes in every district, but as of 2017, the country had only six functional remand homes, construction of the Kabale home was completed in 2018 while another home in Moroto was scheduled to commence construction. The same act mandates that each district should have probation and welfare officers to address child rights issues, and this has yet to be achieved. Consequently, we recommend that the MGLSD finance of child protection at the local government level through conditional grants – as the UPE does in the cases of education and primary health care – to ensure that local governments have guaranteed funding for child protection.

**Staffing:** There is an urgent need to increase the number of staff especially technical officers in the Department of Youth and Child Affairs and the ministry's institution addressing child vulnerabilities. Increased staff numbers will improve the ministry's supervision and monitoring capacity to ensure child protection and would also ensure the regular supervision of numerous alternative care institutions.

### Endnotes

- 1 Uganda Bureau of Statistics (2016) National Population and Housing Census 2014: Final Report.
- 2 Uganda Bureau of Statistics (2018) Uganda National Household Survey 2016/17.
- 3 Uganda Police Force (2015) Uganda Police Force Strategic Policing Plan 2015/16-2019/2020.
- 4 JLOS (2017) JLOS Annual Performance Report 2016/17.
- 5 ODPP (2017) Fourth Strategic Plan (SP IV) 2017/18-2019/2020
- 6 ODPP (2018) Policy Statement for FY 2018/19

### About the National Child Protection Working Group

The National Child Protection Working Group (NCPWG) was established in September 2009 and it replaced the Inter agency Sub-committee (IASC) on Child Protection Sub-cluster1 under the humanitarian response in Northern Uganda. Since its inception, the NCPWG serves as the local initiative to address coordination gaps in child protection programming and service delivery. The broad mandate of the NCPWG is to coordinate the efforts of child protection actors, identify and respond to key national child protection issues and provide a platform for linking, sharing information and learning within and among actors. In 2012, the MGLSD with support from Child Protection oriented development partners established a secretariat of the NCPWG within the department of Youth and Children Affairs at MGLSD as a step towards strengthening and mainstreaming the role and mandate of MGLSD on strengthening the national child protection system in Uganda. The NCPWG has close linkages with the relevant sub-national child protection structures including the District OVC Committees (DOVCC), District Community-based services Departments and the office of Probation and Social Welfare.